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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/895,471

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Scott R. Shell

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EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b> <del>Q</del>	
	09/895,471	SHELL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shick C Hom	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 6/29/01 & IDS of 1/29/02.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/29/02</u> .                                                             | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

2. Claims 9-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 9, 15 line 6 and claim 20 lines 4, 6, 10 which recite "the mobile device" lacks clear antecedent basis because no mobile device have been previously recited in the claims and therefore the limitation is not clearly understood. Likewise, claim 20 line 7 which recite "the payload" lacks clear antecedent basis. Claims 10-14, 16-19, and 21-26 are rejected under 35 U.S.C. 112, second paragraph because they dependent from rejected claims 9, 15, and 20, respectively.

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***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 9-10, 15, 20, 25-27, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakakura (6,725,370).

Regarding claims 1, 9-10, 15, 20, 25-27, 30:

Sakakura discloses the mobile device including a computer-readable medium having computer-executable components (see col. 14 lines 40-50 and col. 19 lines 56-61 which recite the mobile client terminal including the client side program unit and configuration software), comprising: a router component configured to receive a configuration message including provisioning information that affects settings stored on the computer-readable medium, the router component being further configured to pass the provisioning information to other components (see col. 15 lines 21-27 and col. 15 lines 58-63

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which recite receiving the configuration data for executing decryption including the use of a server clearly reads on the router component and the configuration message including provisioning information); a configuration service provider component associated with a certain setting and configured to access the setting (see col. 4 lines 52-64 which recite the configuration information replicating unit reading and writing configuration information from and to the shared data storing unit clearly reads on the configuration service provider accessing the setting as in claim 1 and modifying the group of settings stored as in claim 20); and a configuration manager component configured to receive the provisioning information and to parse the provisioning information into sections, each section being associated with a particular group of settings, a certain section being associated with the certain setting, the configuration manager being further configured to identify the configuration service provider based on the existence of the certain section within the provisioning information and to pass the certain section to the configuration service provider for processing (see col. 4 line 65 to col. 5 line 15 and col. 8 lines 9-23 which recite the authentication and permission managing unit and the record in the user authentication and permission database including the group ID of user and cipher

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key of the user used for encrypting and decrypting being used by the data managing unit clearly reads on the configuration manager component and provisioning information being in sections associated particular group of settings and certain section within the provisioning information being pass to the configuration service provider for processing) as in claims 1, 9, 15, 20, 25-27, 30; a header field identifying the data structure as a provisioning document and setting field having configuration component in response to a query statement (see col. 1 lines 41-55 which recite the use of a communication packet for authentication by storing a program that respond to an authentication challenge of the firewall clearly anticipate the header field and the setting field, since a packet includes a header field and payload field which corresponds to the setting field responding to a query statement) as in claims 9-10, 15.

Regarding claim 2:

Sakakura discloses wherein the router component is configured to receive configuration messages from a plurality of push sources, each push source being configured to interact with an external initiator of the configuration message (see abstract which recite sharing data between the interoffice network and the internet and Fig. 1 which shows the LAN server and internet

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server reads on the external initiator and the plurality of push source because push simply involve the web site sending you specific material you asked for such as when surfing the net).

Regarding claims 3-4:

Sakakura discloses wherein the initiator includes a provisioning server in wireless communication with the mobile device and wherein the initiator includes a provisioning server in wired communication with the mobile device (in Fig. 1 see the wired server and col. 15 lines 44-49 which recite the wireless communication to the server from the mobile terminal).

Regarding claim 5:

Sakakura discloses wherein the router component is further configured to authenticate the configuration message upon receipt (see col. 8 lines 9-23 which recite authentication and permission managing the user database).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 6-8, 28-29, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakura (6,725,370) in view of Arendt et al. (6,003,075).

Regarding claims 6-8, 28-29, 31-32:

For claims 6-8, 28-29, and 31-32 Sakakura discloses the computer-readable medium described in paragraph 4 of this office action. Sakakur discloses all the subject matter of the claimed invention with the exception of wherein the configuration service provider is further configured to perform



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internally transaction functions to enable a failed configuration update to be rolled back to a last known-good state as in claims 6-8; or fail the provisioning setting, return the particular setting to the current value; or withholding instruction to commit to the new value as in claim 28, 29, 31, 32.

Arendt et al. from the same or similar fields of endeavor teach that it is known to provide wherein the configuration service provider is further configured to perform internally transaction functions to enable a failed configuration update to be rolled back to a last known-good state or fail the provisioning setting, return the particular setting to the current value; or withholding instruction to commit to the new value (see col. 7 lines 3-16 which recite restoring the configuration to the prior configuration if the configuration change transaction failed). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide wherein the configuration service provider is configured to perform internally transaction functions to enable a failed configuration update to be rolled back to a last known-good state or fail the provisioning setting, return the particular setting to the current value; or withholding instruction to commit to the new value as taught by

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Arendt et al. in the computer-readable medium of Sakakura. The medium wherein the configuration service provider is configured to perform internally transaction functions to enable a failed configuration update to be rolled back to a last known-good state or fail the provisioning setting, return the particular setting to the current value; or withholding instruction to commit to the new value can be implemented by providing the roll back to a last known-good state code of Arendt et al. in the computer executable code of Sakakura. The motivation for providing the roll back to a last known-good state as taught by Arendt et al. in the computer-readable medium of Sakakura being that it provides more reliability for the system since the system can recover from a failed configuration update.

8. Claims 11-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakura (6,725,370) in view of Acharya et al. (2002/0080091).

Regarding claims 11-14 and 16-17:

For claims 11-14 and 16-17 Sakakura discloses the computer-readable medium described in paragraph 4 of this office action. Sakakura discloses all the subject matter of the claimed invention with the exception of wherein the setting field

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further includes a query statement identifying the particular setting; or causes the setting field to be modified to include a current value of the particular setting; or causes a new setting field to be created including a current value of the particular setting or other setting; existed in the provisioning document prior to being processed by the configuration component; and replaced by the setting field upon being processed by the configuration component as in claims 11-14 and 16-17.

Acharya et al. from the same or similar fields of endeavor teach that it is known to provide wherein the setting field further includes a query statement identifying the particular setting; or causes the setting field to be modified to include a current value of the particular setting; or causes a new setting field to be created including a current value of the particular setting or other setting; existed in the provisioning document prior to being processed by the configuration component; and replaced by the setting field upon being processed by the configuration component (see paragraph 0060 which recite the handheld computing device query the external device for configuration information to set the display parameters). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide wherein the setting field further includes a query statement identifying

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the particular setting; or causes the setting field to be modified to include a current value of the particular setting; or causes a new setting field to be created including a current value of the particular setting or other setting; existed in the provisioning document prior to being processed by the configuration component; and replaced by the setting field upon being processed by the configuration component as taught by Acharya et al. in the computer readable medium of Sakakura. The setting field further includes a query statement identifying the particular setting; or causes the setting field to be modified to include a current value of the particular setting; or causes a new setting field to be created including a current value of the particular setting or other setting; existed in the provisioning document prior to being processed by the configuration component; and replaced by the setting field upon being processed by the configuration component can be implemented by providing the query statement of Acharya et al. in the computer readable medium of Sakakura. The motivation for providing the query statement as taught by Acharya et al. in the computer-readable medium of Sakakura being that it provides added feature of identifying the setting for the system.

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***Allowable Subject Matter***

9. Claims 18-19 and 21-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baker et al. disclose integrated customer web station for web based call management.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH



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PRIMARY EXAMINER